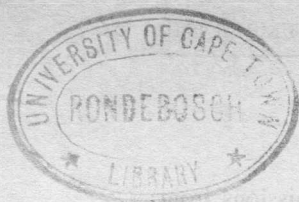


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STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuisblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

PRYS (AVB ingesluit) 30c PRICE (GST included)
BUITELANDS 40c ABROAD
POSVRY · POST FREE

VOL. 195]

KAAPSTAD, 18 SEPTEMBER 1981

[No. 7788

CAPE TOWN, 18 SEPTEMBER 1981

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1967.

18 September 1981.

No. 1967.

18 September 1981.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 67 van 1981: Wysigingswet op die Pensioenwette, 1981.

No. 67 of 1981: Pension Laws Amendment Act, 1981.

Act No. 67, 1981

PENSION LAWS AMENDMENT ACT, 1981

GENERAL EXPLANATORY NOTE:**[]**

Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Parliamentary Service and Administrators' Pensions Act, 1971, so as to provide for the cancellation of a pension if the beneficiary thereof assumes the office of Vice State President; to amend the General Pensions Act, 1979, to provide for the cancellation of pensions if the beneficiaries thereof become members of the pension scheme for members of the President's Council; and to make further provision for the payment of gratuities and annuities to persons, and to the widows, dependants or estates of persons, whose pension rights have been preserved for them; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 28 August 1981.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 17A of
Act 81 of 1971,
as inserted by
section 13 of
Act 77 of 1974.

1. Section 17A of the Parliamentary Service and Administrators' Pensions Act, 1971, is hereby amended by the addition of the following subsection, the existing section becoming subsection (1):

“(2) The provisions of subsection (1) shall apply *mutatis mutandis* in respect of any person who assumes the office of Vice State President.”.

Insertion of
section 14A in
Act 29 of 1979.

2. The following section is hereby inserted in the General Pensions Act, 1979, after section 14:

“Cancellation of certain pensions payable to members of President's Council.

14A. (1) If any member elects under paragraph 2 of the Schedule to the Pension Proclamation to be subject to the Pension Proclamation, any pension payable to him under a pension law shall be deemed to have been cancelled as from the date on which he became a member, and he shall refund any amount which was paid to him by way of such pension in respect of any period after the said date to be deposited in the fund from which it was paid.

(2) Any member to whom a pension was payable under a pension law when he became a member and who before the amendment of the Pension Proclamation by Proclamation No. 142 of 1981 elected to be subject to the Pension Proclamation, shall be deemed to have made such election under paragraph 2 of the Schedule to the Pension Proclamation, as amended by Proclamation No. 142 of 1981.

ALGEMENE VERDUIDELIKENDE NOTA:

I Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, ten einde voorsiening te maak vir die staking van 'n pensioen indien die begunstigde daarvan die amp van Vise-staatspresident aanvaar; tot wysiging van die Algemene Pensioenwet, 1979, ten einde voorsiening te maak vir die staking van pensioene indien die begunstigdes daarvan lede van die pensioenskema vir lede van die Presidentsraad word; en verdere voorsiening te maak vir die betaling van gratifikasies en jaargelde aan persone, en aan die weduwees, afhanklikes of boedels van persone, wie se pensioenregte vir hulle bewaar is; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Augustus 1981.)

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 17A van die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971, word hierby gewysig deur die 5 volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

„(2) Die bepalings van subartikel (1) is *mutatis mutandis* van toepassing ten opsigte van 'n persoon wat die amp van Vise-staatspresident aanvaar.”.
- 10 2. Die volgende artikel word hierby in die Algemene Pensioenwet, 1979, na artikel 14 ingevoeg:

14A. (1) Indien 'n lid kragtens paragraaf 2 van die Bylae by die Pensioenproklamasie kies om aan die Pensioenproklamasie onderworpe te wees, word 'n pensioen wat kragtens 'n pensioenwet aan hom betaalbaar is, geag gestaak te wees van die datum af waarop hy 'n lid geword het, en moet hy enige bedrag wat ten opsigte van 'n tydperk na daardie datum by wyse van sodanige pensioen aan hom betaal is, terugbetaal vir storting in die fonds waaruit dit betaal is.

(2) Enige lid aan wie 'n pensioen kragtens 'n pensioenwet betaalbaar was toe hy 'n lid geword het en wat voor die wysiging van die Pensioenproklamasie deur Proklamasie No. 142 van 1981 gekies het om aan die Pensioenproklamasie onderworpe te wees, word geag bedoelde keuse uit te oefen het kragtens paragraaf 2 van die Bylae by die Pensioenproklamasie, soos deur Proklamasie No. 142 van 1981 gewysig.

Wysiging van artikel 17A van Wet 81 van 1971, soos ingevoeg deur artikel 13 van Wet 77 van 1974.

Invoeging van artikel 14A in Wet 29 van 1979.

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(3) No benefit shall be payable under a pension law to any person to whom subsection (1) applies, or on the death of such person, to his widow, child, dependants or estate, in respect of such person's pensionable service under such law prior to his appointment as a member. 5

(4) For the purpose of this section—

'member' means a member of the President's Council;

'pension law' means the Parliamentary Service and Administrators' Pensions Act, 1971 (Act No. 81 of 1971), the Members of the Coloured Persons Representative Council Pensions Act, 1974 (Act No. 79 of 1974), the Members of the South African Indian Council Pensions Act, 1974 (Act No. 86 of 1974), or any ordinance in force under the Provincial Powers Extension Act, 1980 (Act No. 82 of 1980); 10 15

'Pension Proclamation' means the Proclamation relating to the Pension Scheme for Members of the President's Council, 1981 (Proclamation No. R.63 of 1981).". 20

Amendment of
section 15 of
Act 29 of 1979.

3. Section 15 of the General Pensions Act, 1979, is hereby amended—

(a) by the substitution for paragraphs (c) and (d) of subsection (2) of the following paragraphs, respectively: 25

"(c) a dormant member shall, with effect from the fixed date **[and subject to the provisions of the applicable pension law]**, be entitled to **[such pension benefits as he would have been entitled to if he had on the fixed date been a contributing member of the pension fund of which he is a dormant member]** an annuity and a gratuity which shall be calculated in accordance with the formula; 30 35

(d) the widow or dependant or estate of a dormant member who has died before the fixed date shall, with effect from the date of his death **[and subject to the provisions of the applicable pension law]**, be entitled to **[such pension benefits as such widow or dependant or estate would have been entitled to if such dormant member had on the date of his death been a contributing member of the pension fund of which he was a dormant member]** an annuity and a gratuity which shall be calculated in accordance with the formula;" 40 45

(b) by the substitution for paragraph (e) of subsection (4) of the following paragraph:

"(e) 'the formula', in relation to an annuity or a gratuity to be calculated in accordance with the formula, means— 50

$$A \times 1,06^n$$

in which—

A represents—

(i) in the case of an annuity or a gratuity referred to in subsection (2) (c), the annual amount of the annuity or the amount of gratuity, as the case may be, to which the dormant member concerned would have been entitled in terms of the pension law concerned if he had on the fixed date been a contributing member of the pension fund of which he was a dormant member; 55 60

(ii) in the case of the annuity or a gratuity referred to in subsection (2) (d), the annual amount of the annuity or the 65

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Wet No. 67, 1981

(3) Geen voordeel is kragtens 'n pensioenwet aan 'n persoon op wie subartikel (1) betrekking het of, by so 'n persoon se afsterwe, aan sy weduwee, kind, afhanklikes of boedel betaalbaar nie ten opsigte van so 'n persoon se pensioengewende diens kragtens so 'n wet voor sy aanstelling as 'n lid.

(4) By die toepassing van hierdie artikel beteken—
,lid' 'n lid van die Presidentsraad;
,Pensioenproklamasie' die Proklamasie op die Pensioenskema vir lede van die Presidentsraad, 1981 (Proklamasie No. R.63 van 1981);
,pensioenwet' die Wet op Pensioene vir Parlementsdiens en Administrateurs, 1971 (Wet No. 81 van 1971), die Wet op Pensioene vir Lede van die Verteenwoordigende Kleurlingraad, 1974 (Wet No. 79 van 1974), die Wet op Pensioene vir Lede van die Suid-Afrikaanse Indiërraad, 1974 (Wet No. 86 van 1974), of 'n ordonnansie van krag ingevolge die Wet tot Uitbreiding van Provinsiale Bevoegdhede, 1980 (Wet No. 82 van 1980).”.

3. Artikel 15 van die Algemene Pensioenwet, 1979, word hierby gewysig—

Wysiging van
artikel 15 van
Wet 29 van 1979.

(a) deur paragrawe (c) en (d) van subartikel (2) onderskeidelik deur die volgende paragrawe te vervang:

„(c) is 'n rustende lid met ingang van die vasgestelde datum **[en behoudens die bepalinge van die toepaslike pensioenwet,]** geregtig op **[die pensioenvoordele waarop hy geregtig sou gewees het indien hy op die vasgestelde datum 'n bydraende lid was van die pensioenfonds waarvan hy 'n rustende lid is]** 'n jaargeld en 'n gratifikasie wat ooreenkomstig die formule bereken word;

(d) is die weduwee of afhanklike of boedel van 'n rustende lid wat voor die vasgestelde datum gesterf het, met ingang van die datum van sy dood **[en behoudens die bepalinge van die toepaslike pensioenwet,]** geregtig op **[die pensioenvoordele waarop daardie weduwee of afhanklike of boedel geregtig sou gewees het indien sodanige rustende lid op die datum van sy dood 'n bydraende lid was van die pensioenfonds waarvan hy 'n rustende lid was]** 'n jaargeld en gratifikasie wat ooreenkomstig die formule bereken word;”;

(b) deur paragraaf (b) van subartikel (4) deur die volgende paragraaf te vervang:

„(b) ,die formule', met betrekking tot 'n jaargeld of 'n gratifikasie wat bereken moet word ooreenkomstig die formule—

$$A \times 1,06^n$$

waarin—

A—

(i) in die geval van 'n jaargeld of 'n gratifikasie in subartikel (2) (c) bedoel, die jaarlikse bedrag van die jaargeld of die bedrag van die gratifikasie, na gelang van die geval, voorstel waarop die betrokke rustende lid geregtig sou gewees het kragtens die toepaslike pensioenwet indien hy op die vasgestelde datum 'n bydraende lid was van die pensioenfonds waarvan hy 'n rustende lid was;

(ii) in die geval van 'n jaargeld of 'n gratifikasie in subartikel (2) (d) bedoel, die jaarlikse bedrag van die jaargeld of

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amount of the gratuity, as the case may be, to which such widow, dependant or estate would have been entitled in terms of the applicable pension law if the dormant member concerned had been a contributing member at the time of his death of the pension fund of which he was a dormant member;

n represents the number of years (including any portion of a year expressed as a fraction of a year) during which a member concerned was a dormant member.”

Commencement.

4. The provisions of—

(a) sections 1 and 2 shall be deemed to have come into operation on 5 September 1980;

(b) section 3 shall be deemed to have come into operation on 1 July 1980.

Short title.

5. This Act shall be called the Pension Laws Amendment Act, 1981.

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- 5 die bedrag van die gratifikasie, na gelang van die geval, voorstel waarop sodanige weduwee, afhanklike of boedel geregtig sou gewees het kragtens 'n toepaslike pensioenwet indien die betrokke rustende lid op die dag van sy afsterwe 'n bydraende lid van die pensioenfonds was waarvan hy 'n rustende lid was;
- 10 n die getal jare voorstel (met inbegrip van 'n gedeelte van 'n jaar uitgedruk as 'n breuk van 'n jaar) waartydens die betrokke lid 'n rustende lid was."

4. Die bepalings van—
15 (a) artikels 1 en 2 word geag op 5 September 1980 in werking te getree het; Inwerking-treding.
(b) artikel 3 word geag op 1 Julie 1980 in werking te getree het.
5. Hierdie Wet heet die Wysigingswet op die Pensioenwette, Kort titel.
20 1981.

